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THIRTY THOUSAND REFUGEES lodged in wretched barracks on the German-Polish border—the newspaper stories revive cruel memories of the homeless French refugees who poured south and westward in the spring of 1918. That was war. This is the war spirit surviving in the East of Europe. Poland is evicting the Germans of the annexed provinces—those who were unwilling to renounce their German citizenship. They made their choice, she says, and must abide by it. Under the terms of the wretched treaties signed, in the name of "self-determination," in 1919, Poland has a legal right to drive these Germans from their homes, and she is exacting her pound of flesh. The outside world cares little for legal technicalities—it is appalled by Poland's inhuman brutality. These Germans, most of them, were born and have lived out their lives in territory which the statesmen carved out and handed to Poland; they are being torn from their farms, driven across the imaginary line that marks a national frontier. Poland thinks thus to make the task of unifying her peoples easier. We doubt whether her home task will be made simpler; certainly she is doing all in her power to make permanent the anti-Polish feeling in Germany.

THESE MISERABLE TENANT FARMERS are only the first instalment in Poland's program. They are the Germans who owned no landed property. There are more thousands to come—men and women with real property, with more at stake in Poland, who may, however, be better able to provide for themselves than these poverty-stricken deportees. Germany, meanwhile, talks of reprisals. But the Poles settled in Germany are for the most part migratory laborers with no roots in the soil; they will not suffer as do the thousands of Germans torn from land which they and their ancestors have tilled and sown. One suspects that Poland's sudden realization of this long-threatened plan of expulsion is part of a subtle campaign. Poland and Germany have been unable to agree upon a commercial treaty, and both have set embargoes upon exports from the other. Such commercial war hurts Poland most. Is she seeking, by cruelty to these luckless ones, to force Germany's industrial barons to terms? Poland has been before the League of Nations and the World Court more than once for her efforts to get rid of German settlers on her lands. By delay, equivocation, and outright defiance she has carried through illegal expropriations. Now she has found a legal method to continue ousting Germans from the world we helped make safe for democracy.

GEORGES SYLVAIN is dead—and who in the United States recognizes even his name? Sylvain had for five years been the leader of the band of Haitian patriots who in season and out of season have proclaimed their determination that their country shall be rid of the American incubus. Educated in France, he belonged to the elite of the black republic. He served it in various posts before American marines destroyed its century-long independence—among others, as Minister to the Holy See and to the French Republic. France made him a member of the Institute and an officer of the Legion of Honor. After the collapse of the military effort to repel the American invaders Sylvain organized the Patriotic Union of Haiti, which twice sent missions to the United States in the vain hope of awakening the American people to the brutalities being committed in Haiti in their name. With unfailing hope he told his people that in the end right must win. But the American troops have remained, and the domination of American business has grown more and more complete. Last year, after another futile effort to win a regular election of a new Senate to replace that which General Smedley Butler, brandishing his gun, dissolved eight years ago, Sylvain organized an irregular election and himself became a member of the rump Senate which again proclaimed Haiti's rightful independence. *The Nation* is proud that it was privileged to aid Sylvain in his long fight as a patriot, but its pride is mixed with shame that Haiti is not yet free.

A GREAT SILENCE has fallen over China. The statesmen who speak in the name of England, France, Japan, and the United States are presumably in deep thought. We hope it will be fruitful thought, but the uniform experience of the past has been that whenever the powers, following a public display of good intentions, lapse into silence, they also lapse into forgetfulness. We were treated, at the time of the Washington conferences, to a great display of self-congratulation on the good-will of the

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powers toward China; and now, three years later, we have just discovered that owing to the detail of France's failure to ratify nothing whatever has been done toward realizing the era of good-will. It took a national strike, following the official murder of a score of young Chinamen by British police, to rouse the world into so much as a repetition of the expression of good intentions. Senator Borah has announced that he will bring the Chinese question to the floor of the Senate when that body reconvenes, and a body of public-spirited missionaries and others is holding a conference on Chinese-American relations at Johns Hopkins University in September. So far so good. Meanwhile the Chinese have been on strike for ten weeks, in the hope of getting some immediate action, and they are hungry. As far as the dispatches indicate the statesmen are chiefly concerned with the method of whitewashing the official murderers at Shanghai. The most effective sympathy which the Chinese are getting comes from an American committee which is raising funds to help the strikers. Its treasurer is Morris Ernst, of 7 Dey Street, New York City, and we urge our readers to be generous.

AMERICAN MARINES were on the eve of leaving Nicaragua on August 2, according to an Associated Press dispatch from Managua. Their return to this country will undoubtedly be the cue for considerable comment by our newspapers, as inadequate and misleading as has been the interpretation of the events of our thirteen years' military occupation—without consent of Congress and without declaring war—of a friendly and supposedly independent republic. We will be told how our diplomacy, backed by the marines, has lifted Nicaragua out of political anarchy and financial chaos and put the country back on its feet, but we will hear little or nothing of the three fundamental aspects of this adventure, i. e., that our entrance was uninvited, unnecessary, and unconstitutional; that before we gave our aid to financial reconstruction we first so wrecked the finances that assistance became necessary; that before withdrawing our troops we arranged for the organization of a constabulary with an American military officer at its head, the net result of which may be to give us as much control over Nicaraguan politics as during the occupation of the marines.

THE WRONG TO NICARAGUA has been a subject of frequent comment in *The Nation*. The essential facts were set forth by John Kenneth Turner in our issue of May 31, 1922, and in an editorial, The Republic of Brown Bros., the following week. The adventure began in 1909 with an attempt to depose President Zelaya. He may have been a scoundrel who deserved deposing, but it was none of our business officially to help do it. Neither did we make the gesture from high moral motives. As usual, we were led into it by the nose by soldiers of fortune and financial interests looking for quick and easy profits. Our interest in controlling a possible rival to the Panama Canal route was used as an excuse for American diplomatic interference, and led in 1916 to the ratification by Congress of the Bryan-Chamorro treaty, the underlying purposes of which were carefully concealed. Previously Zelaya had been overthrown through American money, and Diaz, a puppet of our business interests, had been seated in power by the action of President Taft in sending nearly 2,500 marines into Nicaragua. From then until 1924 we officially dictated who should be President of Nicaragua. We also insisted upon the validity of a number of doubtful claims, foisting "loans" upon the country with which they were liquidated and other unnecessary services performed. Only a small part of these "loans" ever left New York, and by the time our financiers were through with their manipulations the state railways and the government bank had come into their hands and Nicaragua had a debt of about $15,000,000, with an American official administering the customs.

NICARAGUA IS NATURALLY an enormously rich country, and financially she is about back on her feet. Due to this, and to insistent criticism here at home, the Washington Administration permitted Nicaragua to have a measurably free election last autumn. Victory went to Carlos Solorzano, candidate of the National Liberal Party, opposed to American control. It was announced that the marines would be withdrawn when Solorzano was inaugurated at the beginning of 1925. But at the new President's request their departure was delayed pending the organization of a constabulary with Major Carter, an American, at its head. What inducements or pressure—if any—led to President Solorzano's request for such a constabulary we do not yet know, but the possibilities of political control through it are obvious. A Nicaraguan correspondent of the *Diario Latino* of San Salvador writes:

> The new form of Yankee intervention in Nicaragua, as we have so often repeated, is the constabulary, only now it is to be more offensive, in that it will be more direct, less disguised, and highly insulting. From now on the Government will have no control of the army, nothing to do with firearms, nothing to say about any of these matters. The only man who can make and unmake the military forces of Nicaragua at will is to be Mr. Carter, officer in the active service of the United States army, and consequently subject only to the superior officers in his country.

The Nation is glad to hail the withdrawal of our marines from Nicaragua—but it will watch developments.

THE ANTHRACITE WAGE NEGOTIATIONS are an empty exercise in rhetoric. The problems of the industry are not being debated. The miners' problem is how wages can be increased by the industry as a whole when the two largest companies show only a small profit and a considerable group of minor companies make even scantier profits. Behind these the profitable companies hide. How can the miners share in the prosperity of the industry as a whole? They might debate the merits of a wage pool or nationalization. They are doing neither. They might inquire why they and the public should continue to pay for the real-estate speculation in coal lands which keeps the profits of those two large companies down. They are not doing that either, although the United States Coal Commission condemned the practice of adding the cost of that speculation to the price of coal. The miners are simply banking on the political breaks of the game of Senator Pepper *vs.* Governor Pinchot. They stand to lose.

COAL CONSUMERS are less interested than they used to be in better wages for the anthracite miners. The miners have not succeeded in preventing the coal companies from adding every wage increase to the price of coal. Even Governor Pinchot was unable to prevent that practice. So

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today the operators stand as the opponents of higher prices. Until the miners effectively attack their practice of refusing to pay wages out of profits the coal consumer will remain apathetic. The operators are saying today that oil, soft coal, and other substitute fuels make it impossible for them to raise prices. But they do not say that they will not increase prices if there is a coal shortage or if the menace of fuel-oil competition passes. They give no guaranties of any kind that prices will not go up. However, the fruits of stupidity may ripen: If the operators are forced to increase wages, some of them will go to the wall, and that will bring greater unity in the industry; if the miners lose, they will be two years nearer a realization that their only hope lies in intelligent nationalization.

PROFESSOR EDWARD M. EAST of Harvard allowed his neo-Malthusian doctrines to lead him into unfortunate paths at the Williamstown Conference. His first steps were in the right direction. He met Count Cippico's demand for imperialistic expansion to take care of Italy's excess population by the reasonable suggestion that Italy reduce her excess. Unluckily, he went further and adopted the dubious position that Italy's surplus millions were poor stuff anyhow, a cancer in the nation's body of which it was naturally eager to rid itself, but which other nations had no desire to absorb. Here he plunged into a tangled wilderness of controversy. He made Italians of all parties angry; patriotism was aroused; the record of our Italian immigrants was invoked to deny his charge; President Garfield uttered soothing rebukes—and the original point was lost. Professor East might better have stuck to his one unanswerable contention. Italy is vastly overcrowded; her soil cannot support her population. If she exported a half million people a year, the relief would only be momentary; the hole would promptly be filled by an increased birth-rate. A nation must adapt itself to its boundaries. Let the Italians bear children intelligently, in numbers that can be fed; and not seek in new territories and colonies a patent medicine to cure their ills of overproduction. Professor East should have stopped here.

THE TWO OLD PARTIES (we might write it the too old parties) will applaud the recommendation of the executive council of the American Federation of Labor to keep out of third-party movements in future, and work along strictly nonpartisan lines. Others will not applaud, but they will not care a great deal. They may ask, reflecting ironically upon the less than half-hearted support given to the La Follette movement in 1924, When did the federation ever do anything else? Also they may rest assured that no theoretical policy laid down in advance of the event amounts to a snowball in the hot place; when another new-party movement vital to organized labor as a whole develops, the question of what to do about it will have to be forced, and it will be decided then without regard to previous pronouncements. It is not true that third-party movements in this country have been unsuccessful. The present Republican and Democratic parties both began as such movements and, although recent efforts have been less successful, they present, nevertheless, the main hope of progress. The A. F. of L. program of supporting so-called friends of labor among Republican or Democratic nominees leads—to the present state of our politics.

England's Socialist Tories

ENGLAND is not going to have a general strike—not even a coal strike. But she is not averting the strike threat by her usual process of last-minute muddling compromise. The Government—Mr. Baldwin's Tory Government—has taken the drastic step of assuming the deficit of the gasping coal industry. The miners are happy, because the menace of a reduction in their pitifully low wages is removed; the owners are content, because they do not have to shoulder losses. Only the Tory taxpayers, faced with new and incalculable tax bills, growl. They voted out Labor to avoid just such socialistic experiments, and now their own safe-and-sane Government has outramsayed MacDonald, agreeing to make up the deficit of coal companies which cannot earn a profit with the current wages.

Mr. Baldwin's action carries England further toward socialism than the Labor Government moved in its entire term of office. The subsidy offer, even if it is only temporary, is based upon the acceptance of the principle, which two government commissions had already asserted, that a living wage should be a first charge upon the industry. The owners accept no such principle, as their determination to shut down the mines rather than continue operation upon the current wage scale evidenced. The miners, of course, made the principle the foundation of their case. Now if the Government goes so far in its acceptance of this principle as to agree to subsidize the coal-owners in order to make the living wage possible, where is it to stop? It cannot idly stand by and pay the extra cost of inefficient operation. It cannot permit uneconomic mines to be reopened and operated under the benign encouragement of a government guaranty. Already miners are coming to the Government asking it to reopen mines that have been closed for months. The Government cannot accept responsibility for the deficits of an industry without assuming virtual control of it. The subsidy-policy of the Tories leads straight to Labor's program of nationalization. And what applies to coal applies by the same logic to the railroads, to shipping, to steel and to other industries.

Indeed, there are rumors of other socialistic moves by the Baldwin Government. When Mr. Baldwin went to the electors on the issue of a protective tariff nearly two years ago he met defeat—largely because the voters feared that a protective tariff would raise the cost of food. His supporters are still clamoring for a protective tariff; they believe that is the only solution for England's industrial depression. It is rumored that Mr. Baldwin is investigating the possibility of some government control of food prices—possibly even of food supply—which would make it possible to ask the voters once more to indorse a protective tariff, this time coupling that issue with a pledge of government-guaranteed low food prices.

Tories in England are not what they are in the United States today. Mr. Baldwin, instead of getting angry, faces facts. He said last spring that

> We are confronted today, and shall be more and more, with great consolidations of capital managed by small concentrated groups, and by great organizations of labor led by experienced and responsible leaders. That position must be accepted.

If Mr. Baldwin realizes the Labor program under Tory auspices he will act according to good British precedent.

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California Justice

A JUDGE who gets off the bench and serves as witness for the prosecution; a defendant charged with corruption of a juror who never was a juror and whom the defendant never saw; a man sentenced to five years in prison for discharging the ordinary routine duties of secretary of a defense committee—these are some of the features of a trial recently concluded in Sacramento, California.

It was the third trial of Tom Connors for jury tampering; and it was perhaps the strangest specimen of California justice thus far offered by that strange State. To understand the situation it is necessary to go back to March, 1923. At that time there was a bill before the California Legislature to repeal the criminal-syndicalism act. A number of liberal, labor, and radical organizations circulated leaflets revealing the iniquitous workings of this war-time law and urging moral support of the repeal bill. Among these organizations naturally was the California branch of the General Defense Committee of the Industrial Workers of the World. Tom Connors as secretary signed and sent out some 20,000 of these leaflets. The names of the citizens addressed came from the telephone-books of the various cities, and nothing beyond their names and addresses was known concerning them.

Now it chanced that at that time in Sacramento, the State capital, there was a trial for criminal syndicalism involving three members of the I. W. W., Judge Charles O. Busick, and the Sacramento *Bee*. The *Bee*, rather a fair and well-edited paper in other respects, reserves its sharpest stings for the I. W. W. Its editorials are frequently incitements to violence against this organization which its owner, C. K. McClatchy, so ardently hates. Of this, more later; the real star in the drama is Judge Busick himself.

Charles O. Busick has a little more than a year still to run as judge of the Superior Court. He has tried nearly all the criminal-syndicalism trials held in Sacramento, and has been regarded as uniformly unfair and prejudiced. On one occasion a change of venue was asked because of his bias; Judge Busick heard the evidence against Judge Busick, decided that Judge Busick was fair, and proceeded to try the case. It was in his court that defense witnesses were not permitted to testify, as not having knowledge proper to the case, unless they stated they were members of the I. W. W.; whereupon as they left the stand they were arrested on a criminal-syndicalism charge, having confessed themselves members of the outlaw association. Their convictions have been upheld by the Supreme Court of California and the men are still in jail. Judge Busick is also the author of the famous anti-I. W. W. injunction, by which it becomes an offense, punishable by fine and imprisonment, to be a member or officer of the I. W. W., and a man can be and has been sent to jail, without jury trial, in Los Angeles, hundreds of miles away, for violating an injunction issued by a judge in Sacramento. This injunction has been made permanent, and is still in force though nowadays seldom used.

To return to the criminal-syndicalism trial in Sacramento. On the venire for the jury—Judge Busick *selects* his juries from the registered voters, as do other Sacramento judges; the panel is not drawn by lot—were two men, one named Arnold, the other Bennett (a literary coincidence having no relation to the intellectual standing of the venire). Neither of these men actually served on a criminal-syndicalism jury, and therefore neither was ever a juryman in a position to be "tampered" with. But both of them, being in the Sacramento telephone-book, received copies of the printed plea for repeal of the criminal-syndicalism act sent out by Connors's office.

These leaflets they carried to Judge Busick, who thereupon secured the arrest of Connors on a charge of jury tampering, the leaflets being the only evidence against him. The first trial resulted in a disagreement, the second in a conviction and sentence of five years in San Quentin. After Connors had served more than a year he obtained a third trial, which has just ended in the same conviction and sentence. It is interesting to note that while the second trial was in process another man was tried for jury tampering in the little town of Woodland, near Sacramento. This man had introduced the defendant to a juryman in a bootlegging case and solicited the best efforts of the juror in the defendant's behalf. He was convicted, and sentenced to—five days, as against Connors's five years!

When Connors's third trial started, with District Attorney J. J. Henderson and his assistant Renfro prosecuting, and another Henderson—R. W. Henderson, the blind labor attorney—acting for the defense, it was suddenly discovered that the prosecution had "lost" the evidence submitted at the previous trials—namely, the envelopes addressed to Bennett and Arnold containing the leaflets. The court immediately granted permission to use the transcript of one of the former trials as evidence. Every motion of the defense, including one for change of venue before the trial commenced, was overruled as if automatically. The judge himself assisted the prosecution liberally with advice and encouragement. "Aren't you going to object to that, Mr. Renfro?" was a phrase frequently on His Honor's lips.

Finally he abandoned his bench and took the witness stand to testify that he had been sent and had seen the envelopes and leaflets. Immediately the defense offered a motion that if the judge was going to act as a witness for the prosecution another judge must occupy the bench. This motion was promptly denied, and when his testimony as witness had been heard by himself as judge, His Honor stepped back into the judicial seat. He justified this action by saying he had not physically left the bench—he had only stood up!

Meanwhile, during the five days of the trial, the Sacramento *Bee* poured forth news items and violent editorials against the I. W. W. and all its supposed works. The jurymen received the *Bee* regularly, and they all knew that Connors was a member of the I. W. W. This, however, was not "jury tampering," and no one has suggested arresting McClatchy.

Tom Connors is a slight, boyish-looking fellow, appearing younger than his years of experience as lumber-worker and labor organizer would seem to make him. He takes the situation with calmness and courage. But his philosophical acceptance of his personal suffering does not make the proceedings against him any less of a disgrace to the State of California and to the nation at large. "Tennessee justice" has become a phrase for laughter; "California justice" is something uglier.

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Outlawing War by the World Court

A POLL of the Senate is said to show a small majority in favor of our entry into the World Court on the basis of a compromise between Senator Pepper's plan and the so-called Harding-Hughes-Coolidge reservations. Nevertheless any small majority in favor of the Court will have hard going against the powerful opposition of the chairman of the Committee on Foreign Relations. It is not merely Senator Borah's strategic position, but his intellectual ability and moral passion which make it so important to win his advocacy of any plan for international justice. He has stated that he will support our entry into the World Court only if it can be coupled with the outlawry of war and the codification of international law.

Hence the peculiar significance of the proposal recently advanced by a mixed group of men and women, some known for advocacy of the League and the World Court and some for opposition to the League and advocacy of the outlawry of war. This program contemplates immediate entry into the Court on the basis of the Harding-Hughes-Coolidge reservations plus an agreement that our adherence is limited to a five-year period unless within that period a general treaty embodying the principles of the outlawry of war has been negotiated and adopted.

This proposal has been criticized as impracticable on several grounds: (1) Europe will not now accept the principles of the outlawry of war as an institution; (2) the United States which might like the idea of the outlawry of war will not accept the affirmative jurisdiction of the Court over all justiciable questions, which is essential to the outlawry of war in practice; (3) the practical difficulties of a codification of law will prove insuperable at least within a five-year period.

We can only tell by trying. The German offer of a security pact provided that the nations signing should outlaw war between themselves; and the effort of the Geneva protocol to define and outlaw aggressive war was a step toward outlawing war. As for the codification of international law, draft conventions for the Pan American Union have already been prepared for consideration and the League itself has at last made a beginning. The real difficulty, we fear, may be America's refusal to accept compulsory jurisdiction over all non-domestic quarrels. And without this we cannot see any great gain in joining the Court at all.

Of course enormous problems remain: the underlying problem of the economic causes both of war and imperialism; the problem of keeping law fluid so it will not freeze into unchanging form, perpetuating existing injustices; and the details of procedure. But at least in America all these problems will be easier to face if the spirit of constructive adjustment of differences which brought together men hitherto so opposed in tactics as former Justice Clarke of the League of Nations Nonpartisan Association and S. O. Levinson, author of the plan to outlaw war, can be made to prevail. It may be long before lovers of peace will reach complete agreement on method or philosophy but every bit of united action they can honestly take together will confound the cynics, the militarists, the worshipers of selfishness and force, whose preparation for new wars imperils all hope for the future.

Miami the Mighty

WHAT newspaper in the United States prints the greatest amount of advertising? The New York *Times?* Wrong. The Chicago *Tribune?* Wrong again. You might as well give up; unless you are an expert in advertising you won't get it in fifty guesses. You won't even get the right State. For it is not a newspaper of any of our great metropolitan centers. It is the Miami *Herald!*

Miami and Florida are booming. We've known that for some time, but we've seen no more impressive confirmation of it than a page advertisement in the *Editor and Publisher* for July 18, in which the Miami *Herald* sets forth that it has doubled its advertising in the course of a year and gives the following table of the lineage of it and its nearest competitors, published seven days a week, for the first six months of 1925:

Miami *Herald*	18,024,587
Detroit *News*	16,414,678
Chicago *Tribune*	15,948,574
New York *Times*	13,587,936
Los Angeles *Times*	13,156,654
Washington *Star*	12,671,279
Pittsburgh *Press*	11,885,342
Los Angeles *Examiner*	10,862,405
St. Louis *Post-Dispatch*	10,556,160
Columbus *Dispatch*	10,478,036

Among newspapers printed only six days a week the only serious contender against the publications of the above list, in space devoted to advertising, is the Chicago *Daily News.* For the period under review it printed a lineage of 10,331,101, but this was less than that of the Detroit *News,* which for six days a week had a lineage of 11,998,266, and the Miami *Herald,* the lineage of which reached 13,419,560.

A glance at the Miami *Herald* shows that it prints an issue of about fifty pages on week days—and heaven only knows how many on Sundays. Naturally its advertising is mostly of real estate, but its ordinary week-day issue shows some ten pages of classified material. Naturally also its rates are low. It charges twelve cents a line for classified advertising, while for similar material the New York *Times* gets from forty cents to a dollar. Still it is space that counts in a boom town. And the Miami *Herald* covers the space.

Nor is the *Herald* the only prosperous newspaper in Miami. The new tower of the Miami *News,* modeled after that of Spain's Giralda, rises 270 feet and is illuminated at night. The *Editor and Publisher* prints photographs of the interior, including a "magnificent room, overlooking the sea," occupied by the society editors. The *News* is owned by a man by the name of Cox—James M., to be precise—who once ran for some national office or other, the Presidency as we remember it. Naturally this speck in his career has been forgotten since he began to publish a daily in mighty Miami, whose population is growing so fast that it will take two federal censuses to count it, whose wealth is increasing at such a rate that depositors in its banks have to stand in line as long as one does to obtain a ticket to the world's championship baseball series.

Well, all this is as it should be. Miami is the boom town preeminent in our paramount boom State. And advertising is the essence of booming just as booming is the essence of advertising. Boom on, Miami!—until the boom meets the boomerang.

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War Among the Railroads

By H. G. ANDREWS

IN Wall Street there is a saying that the ticker talks. It does. Most listeners believe that, among other things, the ticker has been talking a great deal about railway mergers. Most certainly there has been a broad basis for ticker conversation of that sort. Few days have been so barren that they have not brought forth a new crop of merger rumors. Some days have even brought the mergers.

All of this is important. A railroad merger is consolidation in the process of evolution. And the railway consolidation idea when launched was to be the Moses which would lead the American public out of its transportation wilderness. Consolidation was to bring with it lower rates, a national railroad system, which would make a maximum use of all railroad facilities, pool advantages, share burdens —and require dollars invested in railroads to work for an equitable wage.

The mantle of leadership in the consolidation movement was draped over the shoulders of the Interstate Commerce Commission by the hopeful Congress which framed the Transportation Act of 1920. The Interstate Commerce Commission accepted the congressional mandate. It prepared a tentative plan. Railroad executives, bankers, and numerous unattached citizens wearing no particular label countered with other plans equally tentative. Consolidation entered the era of discussion. Attention centered upon details, with the result that there was increasing confusion regarding principles. Doubts multiplied as to whether railway consolidation, when it came, would be devised solely in the public interest or whether the traditions and expectations of private property would determine the course of action.

For five years this issue has been evaded. But procrastination has reached the end of the alley. Three men have compelled a showdown. They are O. P. and M. H. Van Sweringen and Leonor F. Loree, president of the Delaware and Hudson. All three are men who have known what they wanted. Their ambition has been to accumulate railroad systems which would look so big that other systems considered great would look small.

O. P. and M. H. Van Sweringen started in Cleveland, Ohio, with a real-estate business, and proceeded to build it up into a continental transportation system. They gathered in the Nickel Plate, the Pere Marquette, the Hocking Valley, the Chesapeake and Ohio, and other odds and ends hauled from the railroad scrap-heap as junk. The lines now under their control rival the facilities possessed by the Pennsylvania or the New York Central. Apparently a good job well done. The operating cost of the lines merged will, as a result of unification, be reduced $6,000,000 a year, say the Van Sweringens. Fixed overhead has been reduced. The capitalization of the lines in the Nickel Plate merger is some $125,000,000 less than the capitalization of the lines merged.

The Van Sweringens are now attempting to justify their activities, having been brought to bar by minority stockholders, the Interstate Commerce Commission, and railroad executives who would like to get what the two young men from Cleveland now have. The issue, from the standpoint of the public, is whether the Van Sweringen mergers do not render consolidation on the basis of a national transportation system increasingly difficult.

As for Loree, he is driving at a furious pace and is a part of the record which shows how the consolidation wheels, as they are now geared, go around. In order properly to place Loree in the present scheme of things it is necessary to recall a bit of history. When the Transportation Act was signed, sealed, and delivered, railroad executives celebrated the event by making it known in various ways that they considered themselves blood brothers. They were all going to work together and repair all the damage the government had done to the railways while it was administrator. And they were going to consolidate facilities after a fashion that would establish coordination and cooperation wherever railroads ran. Consolidation was the first step in the big program. Discussion was necessary. Conferences were called. The president of the New York Central would blandly inform the gathering that he thought his system, when completed, should include the Central Railway of New Jersey, as well as the leased lines of the Philadelphia and Reading. As for the Buffalo, Rochester and Pittsburgh, that just could not be fitted into any system except the Central.

Then the president of the Pennsylvania would arise and remark that his system represented seventy-five years of effort. In the interest of efficient service it should keep everything it had. There were, however, some leased lines controlled by his colleagues which he really thought he should have. More talk of the same kind, and then the conference adjourned. The executives would shake hands and assure one another that they had made real progress. Then they would bolt for their offices and lay plans to grab all the properties the other men in the conference were most anxious to obtain.

The result has been that the railroad executives have ceased to be blood brothers. Recently it has been next to impossible to get them into a room together. That is the situation into which Loree plunged—so fighting mad that he stuttered. His particular grievance was this: Four railroad executives decided that they would end discussion and fix things. They proceeded to divide the railroads east of the Mississippi. Loree was not one of the four. His was a "small" road and his line was part of the loot to be parceled out.

Then Loree got busy, launching the most ambitious railway consolidation scheme conceived since the days of Harriman. He leased the Buffalo, Rochester and Pittsburgh, strengthened his position in the Missouri, Kansas and Texas, began reaching out after the Wabash—projecting a system which would extend from Montreal into the remotest parts of our Southwestern territory. The backbone of this system is to be the New York, Pittsburgh and Chicago, a new line to be constructed from Easton (Pa.) to Pittsburgh. Loree has been before the Interstate Commerce Commission justifying his plans—with practically all of the other executives appearing as a part of the opposition.

This is only a part of the story. What Loree and the Van Sweringens have been doing in a big way others are doing in more restricted spheres. The St. Louis and South-

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western has passed to the Rock Island, which, in turn, may pass to the Southern Pacific. The Texas and Pacific has merged with the Missouri Pacific. The big railroad fish are swallowing the little fish. And the ticker has been celebrating the feast. "Low-Price Rails Advance on Merger Rumors," "Merger Rails Lead Upward Swing," "Merger Rails Market Favorites," so chronicle the financial writers. Wall Street is placing its bets. As one inspired market commentator recently wrote:

> Who thinks that stocks are not cheap? Still, the future movements of the stocks depends [*sic*] largely on the outcome of the merger which former real-estate men of Cleveland contemplate putting through with the Interstate Commerce Commission. The big system will be formed. Members of the Interstate Commerce Commission will ratify it.

And that, just now, is the Wall Street wager. The bet is that the few provisions of the Transportation Act drawn in the interest of the public will prove inoperative and that when the act loses its baby teeth it will not grow new ones.

In defending its interests the public must use the weapons at hand until it can forge new ones. The Transportation Act has been heralded as a sword and buckler by the consolidation fundamentalists. Modernists, therefore, have reason to give increasing consideration to the question of how far this relic of an old order meets the needs of a new era. In the range of discussion regarding railway consolidation the provisions of the Transportation Act regarding it have been well-nigh forgotten. This is what the act has to say:

> The commission shall as soon as practicable prepare and adopt a plan for the consolidation of the railway properties of the continental United States into a limited number of systems. In the division of such railways into such systems under such plan, competition shall be preserved as fully as possible and whenever practicable the existing routes and channels of trade and commerce shall be maintained. Subject to the foregoing requirements, the several systems shall be so arranged that the cost of transportation as between competitive systems and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties.

Impressive, perhaps, were it not for the joker. Consolidation is as yet permissive. It must proceed upon the basis of mutual agreement. The railroad executives must determine what is best for the country, coupling that decision with a determination of what is best for the lines they represent. Railroad consolidation, therefore, in its present phase is not a movement toward cooperation. It is an elimination contest. As Samuel Rea, president of the Pennsylvania, once remarked: "How can a strong road get the consent of its bond and stock holders to consolidate with a weak road?" The issue, from the railroad point of view, is one of present profits, the maintenance of present advantages. Consolidation on a national scale presupposes the equalization of advantages and the standardization of returns upon capital invested in transportation.

The Transportation Act and recent decisions of the courts carry the canons of railway consolidation, so far as there are any. The difficulty here would seem to be that the decisions of the courts and the spirit of the act are not in agreement. The Supreme Court in the Wisconsin rate case declared that "commerce is a unit and does not regard State lines." It declared, further, that it was the affirmative duty of the Interstate Commerce Commission to take steps to maintain adequate railroad service for the people of the United States. This decision clearly established a railroad as a part of a national system. Its obligations are national, since the line between Podunk and Pikeville must some day carry produce consigned from New York. Weak railroads are essential to permanent national prosperity.

What is a weak railroad? It is one that does not earn enough to pay its keep. This failure may be due to local conditions, bad management, or the rate schedule. For schedules which enable some roads to pay large dividends year in and year out keep other roads at the starvation-point all of the time. And right here is the nub of the whole matter. Railroad rate schedules are not fixed by the people who own the roads. They are fixed by the people who use them—by the customers. For the Interstate Commerce Commission, the courts, and the Congress are, theoretically at least, the people in action. This brings up a question of practical justice. What right have the people to penalize capital invested in a necessary transportation project? The courts have held that the returns to railway investors should be reasonable. Is it reasonable that the Michigan Central should earn $76 a share, that the Union Pacific should pay a 10 per cent dividend, the Atchison pay 7, the B. and O. 5—sometimes—while many lines have not earned a dividend in years?

An important fact railroad executives sometimes overlook is that the railroads ceased to be private possessions when they became public utilities. They also ceased to be local institutions when the Supreme Court decided that notwithstanding its State charter no railroad could, under the protection of a State, enforce a rate which was destructive of the rate structure erected under federal auspices. Moreover, the advantages accruing to particular lines disappeared when the courts sustained the contention that railroad earnings above a figure deemed a reasonable return could be drawn upon for the support of a national railways system.

Thus it is that the logic of all the decisions of the courts tends in the direction of the conclusion that dollars legitimately invested in necessary railroads should stand upon a parity—and that the next step is to recognize the progress made by providing the standardized return contemplated by the judicial findings.

It is for these reasons that consolidation is not likely to get very far on the unanimous-consent basis. Railroad executives and railroad-security holders will contend for every advantage they now possess. The railroads will seek to make all of their special privileges income-producing. Lines which monopolize waterfronts will cling to their holdings. Those possessing terminal monopolies will hold them as long as they can. However, the people can compel joint use of terminals. They can, step by step, force the creation of a transportation system that is really national.

But they must first clear away some legislative underbrush. The Transportation Act contemplates consolidation. Consolidation is a step in the direction of cooperation. Cooperation is the alternative to unrestricted competition. Nevertheless, the competitive principle is written into the Transportation Act. Railroads are to share advantages, approach a parity as to return—and continue competition. Those who contend for the competitive principle explain that they contemplate competition in service only. Very

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well. Why not frankly recognize that situation? There are two factors to be considered. First there is the railroad itself—the right of way, the rails, the appurtenances which a leased line turns over to the company which leases it. Then there is the operating group—the transportation company, if you please. The relations suggested are those which exist between the owner of a building and the tenant who uses that place as a business base.

The railroad is the permanent factor. It cannot be wiped out of existence because it does not pay. It is a part of the national highway system. Highways properly belong to the people. The business under those highways can, perhaps, best be developed under private auspices.

At any rate, the situation as it exists now is manifestly unfair. The public, through its government, sits in on the transportation game. But it takes no risks, not having purchased any chips. It protests whenever any move is made to abandon railways which have ceased to pay their way. If it is desirous of effecting consolidation, the public must recognize that government-owned roads would necessarily be welded into a national system and that roads which regard themselves as private possessions never will come in on a national consolidation plan voluntarily. Compulsory consolidation, therefore, looms as the alternative to consolidation engineered from the private-interest point of view. And compulsory consolidation is evidence of such power, and is inevitably so drastic in its leveling that it is only government ownership under another name. Government ownership has a fearsome sound in many quarters. And yet there are some advantages attached to ownership. An owner can require a tenant to comply with the terms of his lease. Owners have rights and to a certain extent they are partners with those who utilize their properties.

However the dice fall, this much seems certain. Consolidation of some sort is in the offing. Decision regarding the principle of consolidation cannot be evaded for five years more. There are two brands of consolidation—consolidation conceived wholly in the public interest and consolidation conceived from the standpoint of private interest. Wall Street is betting on the second. Watch the ticker.

The Rehoboth Question

By ALBIN E. JOHNSON

THE mandates system of the League of Nations, heralded panacea for righting wrongs of misgoverned peoples, is face to face with one of the most perplexing problems it has ever been called upon to solve.

The Rehoboths of South Africa are demanding their independence.

To the ordinary reader that means nothing. Few have ever heard of the Rehoboths. Fewer still know who, why, and where they are. But among those few are William I of Germany, who, back in 1885, concluded a treaty granting them absolute independence; Generals DeWitt and Maritz, intransigent Boers, whose incipient revolt against the British died a-borning in 1915 when the expert riflemanship of the Rehobothans stopped the drive of the German colonial forces into the Union of South Africa and prevented a juncture of rebellious burghers and the Kaiser's troops; the present administrator of the South West Africa mandated territory, who was constrained to call upon 1,000 soldiers and several airplanes to subdue the patriotic fervor and "hopes for freedom cherished in the breasts of the majority" of the Rehoboth community—and the present Permanent Mandates Commission of the League, whose task it is to decide the respective merits of moral obligations and material interests.

For those others who are uninformed, the Rehoboths are a community or, as they declare, a nation of about 8,000 souls inhabiting some 5,000 square miles of the "most fertile land in German South West Africa." And on the fact that the land they occupy is "most fertile" hangs this story. Originally the Rehoboths were South Africans of European origin. Some fifty-odd years ago they penetrated the territory which the Germans later claimed, and squatted in their present locality. They intermarried with the natives, especially the Hereros, a tribe which Prof. E. H. Schwartz claims are descendants of the Vandals. The result was a "distinguished-looking people with a strong political sense and far above the natives in intelligence." They adopted the name of "Rehoboths" from a European missionary and set about to carve a kingdom out of the jungle. Their land lies well in from the coast and was little visited until the Germans, in their exploitation of their colony, sought to bring the community under control. This effort soon ended—chiefly because of the brave resistance the Rehoboths made—and the invaders asked for a treaty.

The pact expressly defined the borders of the Rehoboth country, recognized the government as a political entity, waived all rights of tribute or exploitation, and specifically agreed that the nation should go on being a nation. The fact that the territory was completely surrounded by German soil made no difference. And for once, according to the Rehoboths, Wilhelmstrasse saw fit conscientiously to observe its treaty.

During the period from 1885 until 1915 the Rehoboths continued unmolested. They were ruled by a kapitein or president, elected by a raad or parliament, which in turn was chosen by votes of the eligible male population. Laws and courts were set up and functioned normally and naturally. There were controversies with other tribes, the Hottentots and Hereros, but these usually were settled favorably for the Rehoboths. In 1915, with the World War well under way, the colonial German forces started their drive into Union territory for the purpose of forming a juncture with the DeWitt-Maritz rebels. They called upon the Rehoboths to join them. This was refused, the kapitein citing a provision in the original pact with the Kaiser which specified that in case Germany went to war with other white peoples the Rehoboths were to remain neutral. The colonial administration immediately abrogated the treaty and issued an ultimatum. The Rehoboths answered the ultimatum by dispatching a well-armed force to the frontier. So effectively did they dispute the advance of the German colonials that General Botha was able to suppress the rebellion and then throw his forces into position to threaten the line of communication of the Teutons.

At this moment the kapitein of the Rehoboths evaded

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the German lines and made his way to Swakopmund, Botha's headquarters, and with the old treaty in his hand asked the Boer general if the British would respect it should the Rehoboths join the Allied forces. Tapping the document, General Botha, according to Cornelius van Wijk, the kapitein, replied: "All that this gives you, you at least shall keep."

From then on until the end of the war the Rehoboths "stood shoulder to shoulder with the British, despite their weakness, in the struggle for liberty and right."

The World War ended. Versailles granted to the British Empire, or the Union of South Africa, the mandate over what was formerly German South West Africa. Gijsbert Reitz Hofmeyr, "a companion of the Most Distinguished Order of Saint Michael and Saint George," was appointed administrator. And the Rehobothan troubles began.

The administrator decided that the "Gebied of Rehoboth" was an integral part of his mandate. The Rehobothans were under administration rule, the same as the rest of the 4,500,000 natives—Hottentots, Hereros, Kaffirs, Swazis, Basutos, and others. Protests were made to the South African government, the League, the British governor generals, Prince Arthur of Connaught and Lord Buxton, and even to King George. But all to no avail. Said the Rehoboths:

> General Botha promised to respect our independence. We are an autonomous people, with our own government, our own laws, our own schools and churches . . . we are neither a community nor a union, but a people and a nation . . . living on land that has been in our possession for more than a half century.

To which Hofmeyr flung back:

> Indolent loafers, squatting on the most desirable portion of Southwest Africa . . . treacherous, unreliable people who betrayed the Hereros to the Hottentots, the Germans to the British [to which betrayal Hofmeyr owes the position he now holds] . . . ignorant, degenerate, and furnishing shelter to lawbreakers from all the surrounding region . . . seeking to arouse the native population into revolt against the government . . . cherishing hopes of independence instilled by certain Europeans and still desired by the majority.

The last an undiplomatic admission at this stage of the game.

Hofmeyr's administration has not been unsuccessful. The administrator managed, by unfair tactics, the Rehoboths allege, to secure the Old Raad's signature to a treaty which surrendered practically all the rights enjoyed under the pre-war conditions. The Old Raad was immediately repudiated and thrown out of office; the majority elected a New Raad, refused to obey the administrator's decree, and appealed to the League. The administrator countered by declaring the New Raad an illegally elected body and supported the Old Raad with military force.

> We have done all that is within our power, but to no purpose [writes the New Raad to the administrator]. We withdraw ourselves once and for all and shall no more ask your counsel or advice . . . we remain henceforth totally independent of you because we see that the magistrate and the administrator persist in forcing the people against their will to bow to the deposed raad and also even to the agreement. . . . We will not obey any laws except those of our own raad; we will serve only the laws of our fathers which are still independent.

The Old Raad appealed to the administrator, who, with law and regularity on his side, issued a proclamation. The New Raad, which, even Hofmeyr admits, represented the overwhelming majority, was abolished; all rights, prerogatives, papers, moneys, duties whatsoever exercised by the kapitein and raad and courts were vested in Major Manning, magistrate appointed by the administration.

"This is the law," proclaimed the administrator. "And as it is the law, regardless whether it is just or desirable, it must be obeyed."

But the Rehoboths—"indolent, ignorant, degenerate loafers" that the administrator regarded them—were not ready to quit. Under the leadership of their deposed kapitein and a Dowdney Drew (called a European by Hofmeyr in his report) they carried on their policy of non-cooperation. It is even charged that they were planning military reprisals (perhaps reminiscent of Sinn Fein days in Ireland). The administrator sent several hundred police into the community. Reports of uprisings among the 4,500,000 Hereros, Hottentots, Kaffirs, and other blacks drifted in. A German tramp steamer, the Nordmaark, was captured off the west coast of South Africa, laden to the decks with rifles, machine-guns, and ammunition. It had cleared from Hamburg. Its destination has never been ascertained—or revealed.

Finally, one Sunday morning, after a flying column of 750 South African troopers had marched through a rainy night, the administrator delivered his coup de grace. With airplanes hovering overhead the Veldtmen surrounded the Rehoboth village. Taken by surprise at this move—they had regarded the administrator as a "devout churchman who would not break the Sabbath"—the Rehoboths were disarmed and some 700 made prisoners. Hofmeyr's official report tells the rest of the story:

> Four hundred of the prisoners were punished . . . fines from two to thirty pounds sterling and jail sentences from four days to three months at hard labor. . . . The manner in which the Rehoboths have defied the administration has made the natives defiant, too. . . . Martial law has been declared.

Thus the situation stands. The Rehoboths have been completely subjugated for the time being. They are a "native population." The treaty rights, respected by the German Kaiser for almost fifty years, are repudiated. The mandates commission of the League of Nations has almost unlimited power. It can recommend that a mandate be canceled or changed. It can force a mandatory power to recognize the Rehoboth pact with Germany or even grant the people independence. Or it can decide that "the march of civilization and progress justifies repudiation of moral obligations in behalf of material interests."

Eight thousand peoples are not many. Fifty-odd years' occupancy undisturbed of 5,000 square miles of "the best territory in South West Africa" does not necessarily mean a clear title to that land if "victors in the war" desire different. Despite the fact that the Rehoboths fought for the Allies they can still be considered as "conquered peoples" and dealt with accordingly.

But what does matter is that census figures show the native population of Africa, especially South Africa, is increasing rapidly and the white population is decreasing. Eight thousand dissatisfied "natives" with a "high political intelligence" can easily produce fermentation that may in time prove disastrous to the supremacy of the white rulers of the world's largest continent.

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Oil

By ALTHA LEAH BASS

"BRAMAN, OKLAHOMA." Thus, in a cramped hand without any flourishes, the farmer or the merchant wrote it in the hotel directory in Oklahoma City or Wichita or even Kansas City, when some unusual business of selling cattle and hogs or buying a half-year's stock of merchandise took him beyond the quiet monotony of Braman. The young men of the town did not write it thus, or at all, in hotel directories. They preferred, rather than confess their Braman origin, to sign themselves from Blackwell, Oklahoma, which is twelve miles southeast of Braman and is a thriving little city with a glass factory and oil refineries and picture theaters and intersecting railways and filling-stations polished to laboratory cleanliness. Braman claimed, in round numbers, a population of five hundred souls, though the number was round rather than accurate if the family of the Methodist minister for a certain year happened to be small or the death toll of aged folk and infants heavy.

For Braman, till less than two months ago, was a village apparently forgotten by God. Its population consisted of the settlers who had homesteaded there in the Cherokee opening of '93, of their relatives who had come on later when land was still cheap and farming an occupation of some promise and hopefulness, of their children who had intermarried and were now rearing families of their own, and of an occasional merchant with his family who came in the eager hope of putting fresh zest into the town's business and after a few months moved on to fields of brisker activity or remained to content himself with a fly-specked stock that stood in the same order, item for item, from year to year on his shelves. It was the sort of town traveling salesmen "made" in two hours, if possible, getting away by freight train or bus when the one-passenger-train, each-way-daily schedule proved inadequate. If the wheat failed, through the ravages of a late frost or the chinch bug or hot weather in "filling" time, the farmers of the community hoped for compensatory returns from their alfalfa and corn crops, which an inopportune rainstorm or a few days of hot wind might reduce to nothing. Sometimes throughout a season all the crops were good, and farmers and merchants alike celebrated their prosperity by buying new Fords or going on little visits to their folks back East in Illinois or Missouri. Sometimes, in spite of the rich loam soil, all the crops failed, and the ministers of the town went unpaid, the stock of dry-goods and even of groceries held over on the shelves for another year, and most of the families felt the pinch of taxes and doctor's bills. Housewives fed their starved sense of beauty by the courageous growing of flowers that the mid-summer heat usually blighted, by making jars of pickles and jellies that were little culinary triumphs, by baking angel-foods and crocheting lace that vied for prizes at the autumn community fair. Through a succession of cloudless summer days the barber and the banker and the grocers passed the time on dusty croquet grounds at the back or the sides of their business buildings, while stray customers waited till the end of a game to be served.

In winter the same groups, with additional farmers who were free for an occasional half-day from the less arduous farm work of cold weather, sat around big drum stoves or small gas heaters in the stores and the barber-shop and related the sparse news of the community: the death of a registered cow, the condition of the winter wheat, the recent home-talent play at the high school. It was a meager, direct, honest life in Braman.

Then, when other topics failed, they discussed the prospect of bringing in oil at the community oil well on the old cow lot in the east end of town. There was some gleam of romance, some remote possibility of change in the quiet course of Braman annals. Many of them had given over their vacant town lots to form the community lease; two oil promoters named Hicks and Helmerick had hired the Herbert Oil Company to drill for them on the ten-acre lease on which cows still grazed when drilling operations permitted; and spasmodic drilling took place.

Then without warning the miracle happened to Braman. Oil was struck within the town limits. To the pious, it seemed that God had remembered his forgotten people; to the more worldly minded, the facts seemed to be that the drilling company met with an accident that brought in the oil well which they intended to keep sealed under a layer of cap-rock until leases had been bought up solidly at the leasors' own terms. Storage, oil companies admit, is cheaper in the ground than in tanks. And leases are undoubtedly more cheaply and readily bought in unproved territory.

The people of Braman talk of it now with an air of pride and mystery, as peasants talk of the birth of a royal child. "It come in on the twenty-first day of May," the honest, overworked mayor explains to curious visitors. "'Bout 'leven in the morning she shot right over the derrick, when nobody knew they was within five hundred feet of oil. I was out in the country and didn't know about it till an hour or so later, and then she'd shot over the derrick three times. By the middle of the afternoon the town had begun to grow, and the next day the place was alive with oil men—buyers and drillers and speculators and geologists—till you couldn't hardly see anybody you knew. When that cap-rock blowed off, she blowed something more'n a few barrels of oil into Braman. I'll say she sure did."

And so she did! In two weeks' time the whole aspect of the quiet town was changed. The skyline is no longer one of trees and cottages, but of oil derricks, one in each of the twenty-seven town blocks and several in many of them. Huge trucks carrying oil casing creak and bump down the unpaved streets; eating and rooming houses (four or five beds in the room if the floor space permits) fill the few spots that drilling has left vacant; a hastily built airdrome gaudily offers old pictures and stale vaudeville to the crowds that penetrate the gleam of its corrugated iron front on Broadway; slush-ponds take the place of lawns and vegetable gardens. The harsh noises of tool-dressing, rig-building, oil-drilling drown out the clatter of dealers bargaining with lot owners and blend crazily with a wailing radio, while over all the heavy dust sinks tirelessly and the summer heat pours in steady brightness. Housewives, even the most meticulous, have left off their dusting and baking because dirt heaps crowd their door-yards and their men are too busy bargaining over town-lot leases to remember their meal hours. The little park is crowded with rows of tent-houses. Here women cook and wash and children play and whole families eat and sleep, by choice or because they cannot rent houses in this town that has tripled in population without increasing its size by a single block. Where is there

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labor or lumber for homes when oil rigs must be built?

The school-yard has its derrick, overtopping the red brick building that has suddenly grown inadequate. The churches, four in number, each have a share in some well being dug nearby. On Sundays the drilling drowns out the choir's feeble declaration that "There is a Fountain Filled with Blood." "Better sing it,

> 'There is an oil well filled with oil,
> Running fifteen hundred barrels a day,'"

the dusty driller grunts.

In a "dog-house" just outside one church a dapper young geologist keeps the log of the well his company is drilling. He records all its strata with scientific care, while inside the church the minister prays for "the victory of the old-time faith and the triumph of the truth of the Old Book over all its adversaries." Geological strata, dumped before him in streaks of sand and rock and mineral, prove nothing at all to him.

But the spirit of Braman has changed. She has hope; she has feverish excitement; she has romance. Once conscious of her own municipal inferiority, she is now proud, head-high, ready to compare her oil sands with the best the oil industry has unearthed. Fat men, worth millions, walk her streets and bargain with her humble citizens now grown shrewd and wary. Men talk, not of the little business of crop success or failure, but of the showy homes they will build, of the trips they will take to California "and ride the Pullman all the way," of the municipal improvements they will achieve if the town property develops oil. Here appears a bit of pathos of lost opportunity: a boy of twenty-five with good prospects of coming into a half a million dollars laments that he did not have two or three thousand a few years sooner, when he could have studied law before he married and had a family; a spinster, old and detached from life in her early thirties, laments that she cannot play the grand piano that her first royalty has bought. But there is little time for regret while the crowds increase and the wells drill deeper and excitement grows more tense.

July fourth, the experts declare, ought to reveal the facts as to whether Braman is built over a great oil pool or whether its one producing well is a false lead, signifying nothing. Now, in their new confidence, Bramanites announce a three-day oil celebration, July third to fifth, with the prospect of a gusher being brought in to thrill the crowd of celebrants. Where such a crowd will eat, where they will sleep, even what they will drink unless the inadequate water supply can be hastily supplemented, are matters scarcely to be considered in the sketchy planning of Braman's great oil festival. For once, and perhaps for long if the four oil sands are proved to exist, Braman is on the map.

Meanwhile, the extent of leased territory about Braman increases, prices for leases soar, and plans to take care of the prospective oil through refineries and pipe lines grow definite. The dust thickens, the days grow hotter, the wheat stands in the shock for want of threshers, but derricks rise daily on the skyline, and the mad race down into the earth for oil goes on. Now Braman's young men proudly sign themselves as Braman's own when they register in out-of-town hotels. Now they carry banners on their cars announcing their stupendous growth and their coming oil festival.

"Braman Invites the World."

In the Driftway

THE breakfasts of Carl Van Vechten, as he describes them in the *American Mercury* for August, have been varied and satisfying. "But," the New York *World* inquires of him belligerently, "have you ever tried beans?"

> If you have not, you have a most faulty understanding of breakfasts, to say nothing of history. Beans are the most notorious American breakfast there is. They were served to the American army in France every morning, rain, snow, or shine, just after reveille. Sometimes they were plain, sometimes they went with bacon, sometimes they were embellished with a slice of pickle on the side. The ostensible theory underlying this breakfast was its caloric value. The real theory was that any soldier who had eaten such a breakfast would be mad enough to lick a whole platoon of Germans. Well, it was hard while it lasted, but it worked. We won the war.

The *World* is right. Apart from the war, beans are so important a breakfast dish in the history of America that Mr. Van Vechten must be a spurious sort of citizen unless he is familiar with this ritual. It used to be true in New England—there has been some backsliding in recent years—that no God-fearing family (and they were all that) failed to make its Saturday-night supper and Sunday-morning breakfast off baked beans and steamed brown bread. As a Saturday-night supper this combination has few superiors. As a Sunday-morning breakfast—— Well, the Drifter has always laid the gloomy character of New England theology to those breakfasts. Any minister who crowded beans and brown bread on his stomach just after rising on Sunday morning could hardly help going out and preaching a three-hour sermon on eternal damnation, while any layman who went through such an ordeal would naturally regard even such a discourse as a relieving aftermath.

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ALSO Mr. Van Vechten pays too little attention to pie as a breakfast dish. True, he says that when he was working for a Chicago newspaper and had to be on the job at the convivial hour of 4 a. m., he used to prepare for the day's work by a hurried visit to a lunchroom, where he downed a cup of coffee and two pieces of apple pie. But there is something in his tone which suggests that Mr. Van Vechten looks back upon this function as an unusual feat instead of in line with sound American tradition. Now, when the Drifter was a boy pie was an accompaniment—almost the *pièce de résistance*, in fact—of breakfast in most respectable households of the farming communities of the Middle West and New England. He thinks it is still going fairly strong today, although our agricultural communities have become annoyingly citified in their eating habits within recent years.

* * * * *

THE last time the Drifter ate pie for breakfast was when, during college days, he was sent with another young man to some sort of convention in a small Western town. The Drifter and his fellow-delegate were entertained by a generous family which expected them to eat two kinds of pie for breakfast and sleep on a feather mattress at night. The Drifter and his mate negotiated the pie, but they rebelled at the feather bed—the time was late in June. They were afraid boldly to cast it aside; they used

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to remove it each night and in the morning return it to its place, rolling on it several times to make it look as if it had been slept on.

* * * * *

THE simplest breakfast the Drifter recalls was originated by a friend when he was an art student in Paris. This friend had been used to fairly bountiful American breakfasts at home, but in France he decided to conform to custom. He began the day with a simple *petit déjeuner* of a roll and butter, with hot chocolate, which he prepared in his studio before starting off to his morning classes. After a few days' experience the young man omitted butter as a luxury and a nuisance (the latter was the more influential factor) and later he decided to forego milk in his chocolate on similar grounds. After a week or so more it occurred to him that hot water added no great amount of nutriment to his chocolate, and he began to save time by munching the bar as he ate his roll. As the days grew shorter, and it got harder and harder to get up in the morning, the young man arrived at the 100 per cent efficient breakfast. He abandoned the roll and ate the chocolate on the street as he dashed from his bed to his art school.

THE DRIFTER

Correspondence

Oil, Judges, and the Law

TO THE EDITOR OF THE NATION:

SIR: Your editorial comment in *The Nation* of July 1 on the decision of Judge Kennedy upholding the validity of the lease of the Teapot Dome oil reserve furnishes an excellent illustration of how easy it is for even the most intelligent lay opinion to go astray in discussing decisions of the courts in complicated cases. You speak of "Judge Kennedy, differing on identical points of law and evidence from his colleague, Judge McCormick." Precisely the contrary is the case. Judge McCormick found the Elk Hills leases to be illegal upon two grounds only: (a) That the evidence before him sustained the charge of "fraud and conspiracy" and (b) that the leases contained "an unlawful delegation of power" to the Secretary of the Interior. In his opinion Judge McCormick says: "If it were not for the fraud and conspiracy . . . and the unlawful delegation of power in the agreements, the contracts and leases in suit would be authorized and would be binding obligations upon the United States of America under the act of June 4, 1920."

Therefore, if Judge Kennedy in deciding the Teapot Dome case were disposed to adopt Judge McCormick's conclusions upon the law, he would be bound to sustain the Teapot Dome lease unless he found that the evidence before him sustained the charge of "fraud and conspiracy" or that the lease contained an "unlawful delegation of power" to the Secretary of the Interior. As a matter of fact, Judge Kennedy found that the evidence before him did not sustain the charge of "fraud and conspiracy" and it was not seriously contended by the Government that the Teapot Dome lease contained any "unlawful delegation of power" to the Secretary of the Interior such as Judge McCormick found in the Elk Hills leases. It therefore follows that, except in respect of the charge of "fraud and conspiracy," regarding which it is undisputed that the evidence in the two cases differed widely, the two judges reached the same conclusions. Stating the point differently, if Judge McCormick had been deciding the Teapot Dome case his own reasoning in the Elk Hills case would have compelled him to uphold the Teapot Dome lease unless he found that the evidence sustained the charge of "fraud and conspiracy."

New York, July 29 PAUL D. CRAVATH

[We took pains to point out that the two cases were "not precisely alike"—that the evidence of conspiracy was less direct in connection with Teapot Dome. But one of the grounds for declaring the Elk Hills lease illegal was that it contained an unlawful delegation of power to the Secretary of the Interior. This came about through an order by President Harding transferring the oil reserves from the Navy Department to the Department of the Interior. Judge Kennedy's decision necessarily upholds this order, while Judge McCormick said it was "in excess of the executive power of the President." As to the many other points where the two decisions seem to be in conflict we have not read a stenographic report of the evidence and doubt if Mr. Cravath has. But a special dispatch to the New York *Times* from Los Angeles on the day of the Teapot Dome judgment said that it differed from the Elk Hills decision "in nearly every important point in issue," while a telegram to the same newspaper from Washington described the rulings as "generally at variance." Moreover, our "lay opinion" is supported by the legal mind of the chief counsel for Mr. Doheny, whom we quoted as saying: "There is no distinguishing between the two cases. On the real facts either Judge McCormick or Judge Kennedy is wrong."—EDITOR THE NATION.]

TO THE EDITOR OF THE NATION:

SIR: I regret that I should have to include in my letter of congratulations to you an exception to one of your editorials. I congratulate you upon your sixtieth anniversary; you have fought with superlatively meritorious fortitude and courage. However, I am rather surprised that your disagreement with the decision of Judge Kennedy in the Teapot Dome case should provoke you to an unfair and unfounded criticism of the law.

I read of Judge Kennedy's decision with as much chagrin as *The Nation* did; I am, too, one who has but little reverence for our judges; the many travesties of justice which I have witnessed and the number of ridiculous opinions which I have read have made me cynical of the law's majesty and potency. But I deny that there is justification for the editorial contained in your issue for July 1.

You ask why Judge Kennedy and Judge McCormick should reach different legal conclusions. Well, why do Professor Conklin and other biologists disagree with Dr. Kammerer on the question of "inheritance of acquired characteristics"; why do in the field of philosophy rationalists wage war with the empiricists; why do psychologists disagree; why did Hamilton and Jefferson disagree? Why do people have different opinions?

And who has claimed for the law scientific certainty? Judge Bailhache in the case of Belfast Ropewalk Co. *vs.* Bushell, 1918, 1 K. B. 210, 213, wrote: "Unfortunately or fortunately, I am not sure which, our law is not a science."

I am unqualifiedly in favor of criticism of our courts and judges as well as of our other institutions and officials. But it seems to me criticism ought to be fair and justified. *The Nation's* editorial to my mind was not.

Brooklyn, June 30 JACOB LIPPMAN.

Retribution

TO THE EDITOR OF THE NATION:

SIR: It was encouraging to a tired radical to see the following in a Buffalo department store:

> "The Truth About the Treaty," by André Tardieu, 15c, the $4 book.
>
> "The Peace Negotiations," by Robert Lansing, 10c, published at $3.
>
> "Woodrow Wilson as I Knew Him," by Joseph P. Tumulty, $1.45, the $5 book.
>
> "The Kaiser's Memoirs," 15c, the $3.50 book.
>
> "Prohibition Inside Out," by Roy A. Haynes, 55c, reduced from $2.50.

Buffalo, June 15 W. C. MUELLER

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Books

Dilemma

By VIRGINIA MOORE

That you breathed air and, later, ceased to breathe
Becomes a spike to split the mind upon:
Quick limbs and haughty hair could not bequeath
Immunity from death, and you are gone
To mix the fine-spun mortar of your flesh
With sorrel seed and crumbled dogwood bark. . . .
What are companions if they are not fresh,
Pale inmates of an unfamiliar dark?
I will not say your spirit roves somewhere,
Now that your eager body lies so low;
I do not care—I do not want to care—
What use of caring if I cannot know?
God! how can beauty molder, thus, in you?
—Sometimes I think my mind is moldering, too!

Henry James's Home-Coming

The Pilgrimage of Henry James. By Van Wyck Brooks. E. P. Dutton and Company. $2.50.

WITH his book on Henry James Mr. Brooks sets another illuminated square in his mosaic representing the American artist in his relation to the American scene. Nearly everything he has written is a contribution to this capital subject, and although I question his assumptions and often disagree with his conclusions I hope he will be encouraged to continue. In essence he seems to believe that a society is good if it is favorable to independence of mind and to the creative spirit; and that all our hopes for a decent arrangement of the productive system or for the settlement of the subway tangle in New York or for the abatement of national hatreds or for a thousand other things—that these are important only as they tend toward a society in which the artist, representing the highest reach of independence and creative power, can happily exist. This is an unusual attitude in America, where, more frequently, the artist's importance is measured by his contribution to the maintenance, or at best the improvement, of social conditions. In "The Ordeal of Mark Twain" Mr. Brooks presented to us the plight of an artist harried and ultimately defeated by American morals, by American business. In his new work we have the obverse of the medal: an artist, intelligent enough to recognize the fatality, for him, of life in America, escaping to Europe and meeting defeat there because of his separation from his native land—because "it was as if he had not lain on the ground, had not touched the ground, for twenty years, as if he had been living in a balloon."

That is the theme and it positively bristles with challenge. I pass over the main idea, that the expatriate always loses by his detachment, that an artist must "contract local saturations and attachments . . . and strike roots" into his home country. The particular instance ought to illumine the general theme sufficiently, and I propose two questions about James. Was America ever—could America ever—be the home of Henry James? And was his work vitiated and thinned by his exile? My own answer, as I am a confirmed worshiper of James, is no to both questions.

From the time he was a "mere mite of observation" James seems to have felt himself "born to discriminate *à tout propos*." His was a watchful, critical mind, he was intellectually eager for and responsive to every sensuous appeal. He lived in a time when action and not observation, enthusiasm and not criticism, was required; in a country with tremendous faith and energy but with no dignity, a country which entirely denied the faculty of discrimination by fanatically repudiating the whole idea of rank, and one in which the fading Puritan and the pushing pioneer neglected in themselves and hindered in others the pure enjoyment of the senses. There was business and there was nothing else, nothing else *native*, to which one could attach oneself. The youth who was to be an artist was fed constantly on European dainties. Mr. Brooks's first chapter is an admirable picture of the Europeanization of the youthful James's mind. William, his brother, escaped because he found an Agassiz; Henry found no artist who had remained in any way American to assure him that the two terms, artist and American, were at all compatible.

He was himself meditative, speculative; and the accident which kept him out of the Civil War may well have persuaded him that detachment was the cardinal virtue and that action only corrupted. But all his qualities were inherently favorable to such an attitude, and one in particular: his irony, his skepticism of all human endeavor. He was interested in "cases of conscience," in human emotions, in courage above all; but he was always aware of the "immitigability of our mortal predicament." It was not an attitude to be warmly embraced in America, where the very air seemed to persuade one that energy and the republican system could change all things in time.

James, in short, when he went to Europe returned to his spiritual home, to a land of fixed values, of social structure, of accepted discipline, to a society where there was, in addition to the basic conflict for bread, room for spiritual adventures. He went to the country which, in his mind, corresponded to his temperament. He was wrong; Europe, England were never as noble as his image of them. Mr. Brooks quotes the remark of Ford Madox (Hueffer) Ford that James "had found English people who were just people singularly nasty." Immitigable, indeed! And James was never deceived.

It displeases me to think of James as the kind of snob Mr. Brooks makes him appear; but that is not so important. Nothing, in fact, is so important as the kind of artist James was. Mr. Brooks cannot think of a novel simply as a work of art, without social or moral prepossessions. For one who seriously is concerned with the artist he is strangely indifferent to art, and he goes so far as to tell us that "in real life" no one could have thought and felt as Hyacinth Robinson felt in "The Princess Casamassima"—as if that, even if it were true, is at all relevant to the achieved triumph of a character imagined and created.

Mr. Brooks, in fact, does not see that James, unable to saturate himself in the facts of either America or Europe, gave up a bad theory of art (although he always fancied himself holding to it and praised Zola and Bennett and Wells for their achievements in the method of "data," and himself actually gathered data, but of another order, to the last) and let himself "all divinely" soar. (Read the passage in Percy Lubbock's introduction to the "Letters" for the quality with which James associated creativeness.) He created, in brief, when he could no longer report. He created an imaginary world in which political and economic ideas and current morality were notably lacking—but in which the human soul is present in its highest manifestations.

Mr. Brooks complains that James became at the end more interested in the relations between people than in the people themselves, as he complains that James became more interested in organizing his material and in its ultimate "form" than in the material itself. The first is the way of civilization—is not Mr. Brooks himself more interested in the artist's relation to America than in the artist? Does he not know that civilized people exist most completely and intensely in their relations to each other? The second is the way of art, for the artist knows that his material is common property and becomes significant only if it is expressed in appropriate form, which gives it grace and intensity and persuasiveness. It is easier to see this in the plastic arts than in fiction; for James it must be said that his artistic integrity (which Mr. Brooks unsuccessfully im-

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pugns) demanded everlasting care of the form in order to take care of his material, to *render* it. He was always "organizing," but with a definite purpose. And he dealt with objects of almost incalculable delicacy, with the gentlest swayings of our consciousness. To this material he was always close; for this he had to absent him from felicity not for a while but for a lifetime of exile and devotion. GILBERT SELDES

A Russian Miscellany

Fragments from My Diary. By Maxim Gorky. Robert M. McBride and Company. $3.

OVER ten years ago Gorki, having reached the summit of his achievements, began looking backward to the lower depths from which he had come; and he has spent the last decade in retracing his circuitous ascent. As a result we have an autobiography in three volumes ("Childhood," "In the World," "My Universities") that stands out even among the distinguished examples of this type of writing in which the past few years have been so rich. Unfortunately, toward the end of the third volume, which brings the story down to the beginning of the author's literary career, the strong, fine fabric of the earlier work frays out—as though the weaver had not the energy or the interest to finish his task. It is the greater pity that he has failed to do so, since Gorki is indubitably a representative figure of our age, and the complete story of his education would be a significant document. The book under review is in a sense a sequel to the trilogy, and yet it is difficult to think of it in those terms, because the personality around which the earlier books clung, as flesh clings to bone, is not present here. Nor do these "Fragments" have anything like the coherence of the preceding volumes.

The mind of which this book is the product makes one think of a boy's pocket—full of all manner of oddments, from stale crumbs to newly made slings. Gorki's treasures indicate more curiosity than discrimination. He records everything: an overheard remark, a casual conversation, half-defined thoughts, and stray encounters. And like a thrifty housewife, preserving her cheese-parings and candle-ends, he turns everything to account. But this parsimoniousness is merely one side of a medal, the other face of which is an acute and ever-vigilant interest in his fellow-creatures.

Some of the specimens exhibited are grouped with at least something like neatness. Thus Gorki assembles a number of queer fellows who are so fascinated by fire that they commit arson, and who are of interest chiefly to the fire department and the criminologist. Gorki's descriptions of fires are touched with an ecstasy that makes one believe that writing about them may have saved him from starting them. In a like fashion he makes an awkward frieze in which some townsmen of Arzamas are presented, each dull sordid figure making its ineffectual gesture of acquiescence or distress. And he strings together a series of studies that add to the gallery of hoboes for whose portraits he is so famous. Some of his characters are exhibited singly, as, for example, a man who becomes a thief in order to defeat his good fortune; a dealer in antiques who believes that his mistress has drawn his soul away and given him the soul of her dead husband, and who is further harassed by a six-legged spider which attends him in order to remind him that he may not dispose of a stranger's soul; a hangman with the fixed idea that he has an air-bubble in his chest which makes him a human balloon; a truck-driver so horrified by a man's power to destroy the life of another that he commits a series of murders in order to demonstrate that power repeatedly to himself. Striking as these sketches are, they are mainly interesting as clinical pictures. It is only occasionally that Gorki draws a character who approaches what we like to think of as the norm. One of the most memorable of these is the Mordvin bear huntress and sorceress who houses the author for a night and whose prayer, which he overhears, he characterizes as "the finest conversation of man with God . . . which I had heard in all my life." The scheme of the book is so free that it can afford hospitality not only to these nameless casuals but also to several celebrities with whom Gorki came into more or less close contact. He gives us his conversation with Alexander Blok on the subject of eternity, and offers brief pointed notes on Tolstoi and Chekhov which appear to have been left over from his earlier reminiscences of these two men. There are also a few Snapshots of the Revolution, of which the note entitled Atheism, Marriage, Dancing is the best. It gives, in a flash, Russia, style 1920.

Gorki concludes his miscellany by quoting William James's hesitating word to the effect that the Russians have probably been called "to astonish the world by something unexpected" and affirming his own faith in the future of Russia: "I think that when this marvelous people has passed through its share of torments and freed itself of all that tortures and confuses the mind, when it begins to work in the full consciousness of that cultural, indeed, that religious importance of labor which joins all the world into one, then it will begin a fairylike, heroic life and in many a way will enlighten a world exhausted by strife and maddened with crime." Inclined as one is to share these sentiments, one must admit that taken in conjunction with much of the book they are decidedly a *non sequitur*.

AVRAHM YARMOLINSKY

Mangled Evidence

Jean Paul Marat: His Career in England and France Before the Revolution. By Sidney L. Phipson. London: Methuen and Company. 7/6.

IF this be history, then Henry Ford was right. Disregarding the findings of the best biographers of Marat and basing his exposition chiefly on some quotations from various numbers of *Notes and Queries*, Mr. Phipson, with more industry than discretion, with more ingenuity than care, has revived the old legend of the criminality of Marat before the French Revolution. He is fully aware that all of the charges against Marat have been thoroughly refuted, but with a perversity born of prepossession he insists upon refuting the refutations. By considering spurious all evidence that he dislikes and by accepting evidence that the best biographers have repudiated, he proves his case.

It would be useless and would take much too much space to refute Mr. Phipson's refutation of the refutation of the legend. Perhaps, however, if we examine the origins of this legend we can throw some light not only upon Mr. Phipson's gropings but also upon the developments of legends in general about radicals in enemy countries. In 1793 the Reverend Mr. Huddesford, having nothing more to go by than a similarity of names, identified Jean Paul Marat with a former tutor at Warrington Academy who had in 1776 robbed the Ashmolean Museum and had been sent to prison therefor at the Woolwich Hulks. In the same year a writer in the London *Star*, having nothing more to go by than the same similarity of names and perhaps, too, a resemblance in person and personality (for the characteristics of the true Marat were by that time universally notorious), associated him not only with the Warrington tutor but also with a tambour artist who had been arrested in Edinburgh for debt in 1786 (when it can be almost convincingly shown that Marat was in France). A certain Mr. Harford, a former student at Warrington of the tutor-convict whom he had again seen at the Woolwich Hulks, with only the similarity of names and perhaps, having by 1792 or 1793 learned of Marat's appearance, a similarity of appearance to adduce, also connected Marat with his former teacher, although he never put his suspicions on paper. In 1792 the servant of one Mr. Ireland, guided certainly by a similarity of appearance and perhaps also by a similarity of names, thought he recognized in Marat of 1792 a bookseller of Bristol who in 1787 had been arrested for

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debt. Mr. Ireland's servant told Mr. Ireland and he told Mr. Harford. Mr. Harford now merged into one the tutor-convict, the Bristol bookseller, and the French revolutionist. He told a certain Dr. Turner of his discoveries. In 1813 Dr. Turner in a footnote to a history of Warrington Academy said "there is great reason to believe" that the tutor-convict, the Bristol bookseller, and the French revolutionist are one. Mr. Harford also told his son, who in a letter written in 1822 likewise made the trinity one. In 1887 a Mr. Latimer in a history of Bristol, having nothing more than a Bristol tradition, probably derived from Mr. Ireland and Mr. Harford, to go by, united the Bristol bookseller with the French revolutionist. Various historians and biographers have at different times since placed Marat in Warrington Academy, the Ashmolean Museum, the Woolwich Hulks, the Edinburgh tambour-shop and prison, the Bristol bookshop and jail; but nobody, not even Mr. Harford, placed him in all of these predicaments until Mr. Phipson came along. And all the time this Swiss-French villain had been posing as Dr. Marat (I almost said Dr. Jekyll) well enough to fool Chevremont, Bougeart, Bax, Roberts, Stephens, Vellay, Cabanes, De Witt, Brunet, Bowen-Graves, and several others who have made more or less careful studies of his career in England. Imagine what a future Mr. Phipson, a hundred and thirty-five years hence, will be able to say of Trotzky's career in the United States by using the same kind of evidence.

LOUIS R. GOTTSCHALK

Pictorial Biography

Lives and Times: Four Informal American Biographies. By Meade Minnigerode. G. P. Putnam's Sons. $3.50.

Casanova in England. By Horace Bleackley. Alfred A. Knopf. $5.

AMERICAN social and political history is so filled with absurd phenomena that it should provide an inexhaustible mine of biographical data for the painstaking historian. But such historians should show more depth and a profounder intuition than Mr. Meade Minnigerode reveals in his four essays. In spite of research that appears to have mastered the social and political scene which formed the stage whereon his four frustrated individuals walked, the author has failed to do more than give a rather clever series of pictorializations. This is regrettable, for there was opportunity here for infinite analysis. The wine merchant Stephen Jumel, transformed into a spiritual bankrupt and dispossessed of his wealth by the bedizened adventuress Betsy Bowen, who ended her problematical career as Madame Burr; "General" William Eaton, leader of an opera bouffe campaign against Derne on the Barbary Coast and one who finished life as a dishonest sot offering false testimony against Aaron Burr; Theodosia Burr, a child-prodigy who became mistress of her father's house at twelve and entertained celebrities from Talleyrand to Thayendanegea; and Edmond Charles Genêt, first minister to the United States from the Girondist group in revolutionary France—all these personages are microcosms through whom a startling era makes itself evident. With the expertness of a distinguished journalist Mr. Minnigerode causes these tragic puppets, so bullied and overpowered by a fluctuating time, to pass in colored show before his readers; but they pass at a slight distance as actors in a spectacle-drama, and their internal passions are no more than hinted at.

Even so, it is perceptible that these people were crushed idealists in a sense and that their inward agonies were fierce and long-drawn-out. The story of Jumel, successful as a merchant and climbing steadily higher on the social ladder of the New York of his day, only to be tortured and eventually removed from all his proud estate by an unfortunate misalliance, is not new. Neither are the miniature odysseys of William Eaton and Edmond Charles Genêt, the first disillusioned and left in the lurch by a feeble and timid government and the other stripped of his honors because of his own over-zealousness. So, too, is the story of Theodosia Burr ancient in its implications. If Mr. Minnigerode had pursued his subjects with greater insight he might have fashioned an extremely important addition to the history both of society and of the individual. As journalism, and as journalism only, "Lives and Times" is adequate.

The charge of lack of insight must also be leveled against that amazing rapscallion, Giacomo Casanova. Mr. Bleackley has removed that portion of the "Mémoires" in which Casanova describes his nine months in England (it comes pretty near the end of the twelve-volume edition), carefully annotated it, and offered it in a finely bound volume. As readers of Casanova will know immediately, the story includes the episode with the charming and notorious La Charpillon, who fooled the adventurer to the top of his bent, bled him constantly for money and extravagant presents, and never bestowed a single favor upon him. It was a case of fate setting one rascal to catch another one. Here Casanova is to be found at his best as a narrator. And in the checking up it is surprising to observe how strong a foundation of actuality there is beneath the "Mémoires." Especially is this so in the English portion.

He was never psychological in his deductions, and the host of personages (the greater number fair—according to Casanova—and frail women) who appear in the "Mémoires" are viewed as a picture is viewed—from the outer surface. If he does set down a pertinent and revelatory truth, be sure it is by accident.

Mr. Bleackley has done his work thoroughly, and his identification of the various English persons, noble and otherwise, seems to be quite accurate. He is wrong in one particular, however. He states in a footnote that the Casanova manuscripts and letters, once the property of Count Waldstein at his Castle of Dux, disappeared about the time of the creation of the Republic of Czecho-Slovakia. These papers were merely removed to a museum (in Prague, I believe) and are now available to scholars there.

HERBERT S. GORMAN

Shakespeare and Marlowe

Studies in the First Folio Written for the Shakespeare Association. Oxford University Press. $6.

The Death of Christopher Marlowe. By J. Leslie Hotson. Harvard University Press. $3.

THE harvest of lectures delivered in celebration of the First Folio Tercentenary two years ago has been gathered within the covers of the handsome volume which Sir Israel Gollancz introduces to the world. Sir Israel's introduction—a general survey of the problems suggested by the Folio—is here reprinted from the brochure published by the Worshipful Company of Stationers in honor of the Tercentenary. The article which follows, on Shakespeare's Portraiture, by M. H. Spielmann, is likewise not new, having been printed separately about a year ago. In this lavishly illustrated demonstration Mr. Spielmann (who, as the author of the article on Shakespearean iconography in the Encyclopaedia Britannica and of a somewhat similar essay in the "Book of Homage to Shakespeare," 1916, speaks with authority) re-traverses in greater detail part of the ground already covered by former discussions. His general arguments in favor of the Stratford bust and the Droeshout portrait are familiar. He limits the supposed eighteenth-century restoration of the monument to minor details; and advances arguments in support of the contention that the "Flower portrait," which has often been called "the Droeshout Original," is in reality based upon the engraving on the title-page of the Folio. To Mr. Spielmann's contentions no valid arguments have ever so far been opposed; and this matter of the authenticity of two likenesses and the spuriousness of all others may now be considered as firmly settled as such a question is ever likely to be.

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With Mr. Dover Wilson's essay on The Task of Heminge and Condell we come to new matter and are plunged into the "new" bibliographical Shakespearean scholarship. Mr. Wilson raises the four questions which every editor of Shakespeare must try to solve. "What sort of 'copy' was placed at the printers' disposal in 1623? Where did it come from? What is the relation of quarto to folio texts in plays that have survived in both forms? How close does any text, quarto or folio, bring us to Shakespeare's original manuscripts?" He bases his answers upon the "belief in the essential integrity of ordinary human nature which . . . regards a man innocent until he has been proved guilty." That is, like Mr. Pollard before him, he refuses to believe that Heminge and Condell were either knaves hoodwinking the public or fools unable to write an intelligible preface. Shakespeare's old friends and fellows limited their responsibilities to the gathering of the best texts at their command. Where the manuscript acting versions owned by the Globe Theater were available, these were used. For some plays a "good" quarto, based upon the stage-version, was employed. Occasionally an "assembled" text, pieced together from the players' parts with the aid of the theatrical "plot," had to be resorted to. Answering his fourth question, Mr. Wilson, while allowing for certain contingencies, vindicates in essentials the authority of the Folio as on the whole the most reliable text, that is, the nearest to Shakespeare's own manuscripts.

That tireless statistician Sir Sidney Lee contributes A Survey of First Folios in which in summary fashion he brings down to date the census of Folios which he published in 1902. Since that list was compiled many copies have changed hands and in particular a great many have come to this country. One learns with amazement not unmingled with something like indignation that at least thirty-five copies of this most famous of books are in the possession of Mr. H. C. Folger. Mr. W. W. Greg breaks new ground in The First Folio and Its Publishers, in which he attempts to formulate the general practice of the early seventeenth century with regard to publication and in particular to determine the significance of the various forms of imprint. With his suggestive views he reconstructs the preliminary steps which led to the publication of the Folio.

Dr. Hotson's Marlowe discoveries are worthy of the beautiful format in which the Nonesuch Press has, in collaboration with Harvard, published them. As Professor Kittredge remarks in his preface, "seldom is it the good fortune of any scholar . . . to make so remarkable a find" as that which Dr. Hotson now sets on record; while the acumen and diligence with which he followed up his first clue put his discoveries beyond the range of mere happy accidents. To retell his story here would be an offense similar to the divulgence of the conclusion of a detective yarn. Sufficient to say that on the basis of documents of whose authenticity there can be no question he has settled once for all the mysterious and much-debated question of the circumstances of Marlowe's death. He has identified the slayer; discovered the report of the inquest; discovered the Queen's pardon granted the slayer; and indicated with much fulness of detail the relationship which existed between him and his victim. The documents and deductions are alike set forth with admirable clarity and grace. Several excellent facsimiles are provided by way of illustration.

SAMUEL C. CHEW

Books in Brief

My Name Is Legion. By Charles Morgan. Alfred A. Knopf. $2.50.

A story that stretches eager fingers toward the thin veils of mysticism, but grasps too often the crude vestments of a thriller instead. Irma Pennell possesses strange spiritual and clairvoyant powers. She moves, a feminine messiah, among the fleshly and godless group of her brother's friends. Murder and madness follow her disturbing sanctity until finally she frees herself from the obsessions of her inner life and achieves happiness in the emotions of a normal woman.

Points of Honor. By Thomas Boyd. Charles Scribner's Sons. $2.

One of the baffling questions left by such war chronicles as "Points of Honor" is whether these soldier-authors might not go into battle again if a second holocaust arose during their lives. Despite the passion and agony that tears through each of the tales in this book, they are told in a voice bereft of emotion or expression—facts, simple unadorned episodes of the war. But they smite with utter conviction.

Mr. Godly Beside Himself. By Gerald Bullett. Boni and Liveright. $2.50.

After twenty years of monotonous contentment the reputable Mr. Godly suddenly can bear it no longer. One morning he leaves his fat good breakfast and his thin good wife to go adventuring in quest of beauty and romance. These desirable qualities he finds in his stenographer; but she proves to be a fairy, and for two days leads him an iridescent chase through a preposterous country of satire and poetry and mirth. Mr. Godly's middle-aged eyes glimpse enchantment, and the reader glimpses it too.

Mrs. Harter. By E. M. Delafield. Harper and Brothers. $2.

The author of "The Heel of Achilles" can always be counted upon for artistic competence in fiction, and her newest novel maintains that standard of excellence. She sets down a story with economy and grace; "Mrs. Harter" is technically satisfying and continuously interesting in the bargain. The central figure is built up by indirection—"conjectures more than anything"—but the materials are handled in a way which brings out every detail. The novelist works with a soft-focus lens, but the likeness is distinct and unmistakable.

Contributors to This Issue

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International Relations Section

Modern Slavery in Africa

SLAVERY in its cruder form is disappearing; there are in the world today only about 1,000,000 persons in whom somebody claims a salable property right. Modern slavery takes the form of compulsory labor or, as in South Africa, the natives are simply excluded from the skilled trades. A group of Americans interested in such conditions in Africa requested Edward A. Ross, professor of sociology in the University of Wisconsin, and R. Melville Cramer, a New York physician, to investigate the labor conditions of the natives in Portuguese Africa. To make inquiries among the Portuguese officials would have been fruitless, for the law under which labor is requisitioned by the government in these colonies is well known and any inquiries addressed to the officials would have elicited the response that they are proceeding in accordance with the law. Therefore Professor Ross and his colleague visited many villages and took down the actual experiences of a large number of natives. The data were collected between July 19 and September 3, 1924. The following excerpts are drawn from the notebooks of Professor Ross:

In practice forced labor works out as follows. A laborer works for the coffee planter and at the close of his term of service the planter says: "I can't pay you anything for I have deposited the stipulated wage for you with the government; go to such and such an office and you will get your pay." The worker applies there and is told to come around in a couple of months. If he has the temerity to do so, he is threatened with the calaboose and that ends it. It is all a system of barefaced labor stealing. They think that the planter has really paid for their labor, but that the official does them out of it. It is frequently observed that the official comes suddenly into prosperity and this is suspected to be the source of it.

If a private employer wants to retain a worker, he advances the man's tax and the man is unmolested. If, on the other hand, one has worked for a private employer for months, but for any reason leaves that employment, he is liable to be recruited by the government. Past employment affords him no protection. The villagers insist that times are worse for them than they used to be under the king. More unrequited toil is exacted now than a few years ago.

From natives passing our place of entertainment we learn that at K——, forty miles away, the government recruits many natives, and puts them at the disposal of the planters. They work six months for food and 60 escudos ($1.50). Forty escudos are kept back to pay their taxes, so that for their six months' work they net only 20 escudos (half a dollar).

Four years ago a large number who were tax delinquents were sent to San Thomé and have never returned. Since then the forced labor of these people amounts to six months a year. Their wives have to work on the roads, but are not recruited for the plantations. The men are carried off as far as one hundred miles to work on the road, for which they get their food and their tax receipts. When they work on the road near their home they have to furnish their own food. On the plantations some die from being made to work after having been weakened by flogging.

I talked with a man whose two neighbors were taken to work a year on a plantation a few miles out from Malange. They received nothing, not even a tax receipt. Their taxes being unpaid they cannot get a pass. Not having a pass, they cannot venture outside of this district without running the risk of being jailed. . . .

VILLAGE NO. 4

Fifty villagers are gathered—Ambaquistas. They say that in the time of the monarchy (before 1910), although they were slaves, they were better off and got more for their work. Their lot is getting harder. Things got abruptly worse for them in 1917-1918. The government makes them work, but gives them nothing. They return to find their fields neglected, no crops growing. They would rather be slaves than what they are now. As slaves they have value and are not underfed, but now nobody cares whether they live or die. This government serfdom is more heartless than the old domestic slavery, which was cruel only when the master was of cruel character. Now they are in the iron grasp of a system which makes no allowance for the circumstances of the individual, and ignores the fate of the families of the labor recruits.

When a white man applies to the *administrador* for workers a soldier is sent with him to the village, who calls out the chief and notifies him that so many men must be forthcoming from that village. When men are taken for distant plantations they are provided with a thin jersey, a *pano*, and in the cool season a blanket. Two months ago thirty from this area were taken to an unknown destination.

In 1922 twenty from this area were requisitioned to work as carriers between L—— and P——. Their taxes had already been paid. For six months' service they got the equivalent of $1.80. They think that the government gets twelve dollars for every man who works for the planters six months. Somebody keeps most of it so that the laborer gets no pay.

The law contemplates that the laborer shall enter into labor contracts with a free will. These Ambaquistas say that they put their thumb prints on some papers, but do not know what these papers contain and would be flogged should they dare refuse to sign them. The government keeps all these contracts. They are *para Ingleza ver*, i.e., "*for the English* to see."

VILLAGE NO. 8

Interviewing an intelligent man from it, we learn that it has about two hundred inhabitants, of whom sixty pay poll taxes. The village is obliged to maintain six on road work the year around. The elders decide who shall go. Eight have to be kept on the plantations, where they get 50 escudos ($1.25) for three months' work. No *pano* or blanket is supplied. Their food is a quart of meal a day, which they must cook themselves. This being insufficient, they have to obtain food from home. They work from dark to dark with two short intervals for resting and eating. The work is very hard and the stick is freely used if one straightens up or takes a moment's ease. The overseer is a white man. After working three months some leave without asking for the 50 escudos due them, because those who do are at once given another time card and required to work another three months' period. However, this seems sheer imposition, for when they have taken their time cards to the post and asked whether they have to work a second three months the official has said "No." But only those have gone to the post who took no pay. A man may have to put in four months before he gets three months "written" on his time card. The planter seizes all manner of pretexts for not "writing" a day that has been worked. He will write on four days a week when six days have been put in, saying "I can't write every day you work, for then your period of service would come too quickly to an end."

All government work yields no pay and carries no rations unless the laborers are sent far from their homes. If the official gives them a shilling or two a month each it is understood as a tip rather than a wage.

An elderly carpenter and early mission convert remembers well when some of the planters had hundreds of slaves. I ask: "Are conditions for your people better than they used

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to be or worse?" He replies: "Twelve years ago when there was slavery the slaves had all the hardships, while the free Negroes were not badly off. Now we are all slaves. The slaves were better fed than we forced laborers are, for we are not property." There is little effort on the part of the authorities to spread their exactions evenly among the native males. The skilled are retained at unpaid labor much longer than the unskilled. Hence boys shrink from learning carpentry and masonry for fear of being kept longer at unpaid labor. Migration affords no relief to the blacks, for the headman of a village will be jailed when any of its inscribed taxpayers are not produced. The chief will say: "Where is Josia?" "He's moved away." "Well, you find him or someone to take his place. He is on my books and he had no permission to leave." So the headman is jailed until Josia appears. The natives are held in a net of strong mesh.

Conclusions

Inasmuch as we shall be expected to communicate the impressions made upon us in the course of our ten weeks of investigation, we offer the following, which applies particularly to Angola:

1. The labor system—virtually state serfdom—which has grown up in the Portuguese colonies in recent years often claims so much of the natives' time and strength that they are no longer able to give adequate attention to the production of food in their own gardens and fields.

2. There is little evidence that any considerable part of the wages turned over in trust to the officials by the employers of natives hired from the government actually reaches the hands of those to whom it belongs. It appears that the typical thing is for the earnings of these commandeered laborers to be embezzled.

3. The amount of unpaid labor exacted of skilled natives is not infrequently so excessive that the young men see nothing to be gained by their acquiring skill in the missionary schools.

4. Motor roads have been extended far beyond the needs of the colony and the construction of such roads by conscripted, unpaid, unrationed natives—for the most part women—with only the most primitive implements, imposes in some cases an almost crushing burden.

5. There appears to be widespread labor stealing, i.e., the planter arbitrarily refuses to give credit or pay for certain days or half-days of labor which have been rendered him. We heard of no effort made by any official to curb this despicable practice.

6. The official does not appear to be in a strong position with respect to his fellow-nationals, the traders, and the planters, and hence rarely ventures to stand up for the rights of the natives as against the claims of a white man. The blacks feel that the Portuguese are leagued against them and that there is no recourse against the white man's violence and injustice.

7. The native policemen (*cipaes*), utilized among stranger or enemy tribes, grossly abuse their authority for purposes of lust, spite, or extortion. There is no regular channel provided by which the complaints of the natives thus wronged may be brought to the attention of the officials.

8. The government provides practically nothing in the way of schools, medical care, emergency relief, or justice against the white trader for the people of the villages as recompense for the heavy burden of unrequited toil it lays upon them.

9. The treatment of the natives in Portuguese territory compares so unfavorably with that experienced by the natives in Rhodesia or in Belgian Congo that there is a strong tendency to emigrate across the frontier.

10. In Portuguese East Africa the amount and manner of collection of the hut tax impose severe hardships upon the natives.

Slavery in English Kenya

IN Portuguese Africa records which prove that the natives enter into labor contracts with a free will are kept "for the English to see." Recently Englishmen have been looking into their own records in Kenya. The report of the Parliamentary Commission sent out to East Africa by MacDonald's Government has aroused a great deal of discussion. The following editorial is reprinted from the *Manchester Guardian* of May 11:

In Kenya, in striking contrast to what has happened in our West African possessions, there has gradually grown up a system, half political half economic, under which the interests of the two and a half million Africans are sacrificed to those of a few thousand European settlers. The root of the evil is the "plantation" system. Large areas of the land have been alienated by the government to white men, the natives in many cases being expropriated. The settlers, having obtained the land, cannot make use of their farms unless somehow or other they can get the natives to work on them for wages. But, for the most part, those native tribes which have been segregated in "reserves" refuse to come out and work on the white man's farm for low wages, unless some form or other of compulsion is applied to them. Under pressure from the settlers the government of Kenya has applied that compulsion by cutting down reserves or harrying tribes from their land, by taxing them until they have to come out and earn wages, by registration and labor ordinances, and by those most subtle and pernicious forms of compulsion which are always open to administrators among backward peoples.

The question which the commissioners had to face was whether this system should be definitely repudiated, not only in word but in fact, or whether it should be condoned and allowed to develop to its only logical conclusion—a semi-servile, landless, discontented population of uneducated Africans bound to work for low wages for a handful of white masters. . . . The only place in the report where facts are really faced is in the supplementary memorandum—in effect a minority report—by Mr. Linfield. This is particularly the case in an admirable paragraph in which Mr. Linfield puts forward the arguments (unaccountably overlooked by his fellow-members) in favor of the alternative to the plantation system. That alternative is that the Africans should be encouraged and helped by the government, which professes to be their trustee, to produce economic crops, for their own food and for export, upon their own land. But as soon as this alternative is proposed you reach the crux of the Kenya problem. The government cannot do this without striking a blow at the plantation system. The labor supply is insufficient, as it is, to meet the settlers' demands, and the more prosperous you make the native in his "reserve" the more impossible would it become to force him out of it to work for wages.

Thus a government which favors the plantation system, instead of, as in West Africa, developing native agriculture, persistently discourages it. For instance, the Giriama tribe, which successfully cultivated grain for export, was so unmercifully harried—the story is told in Dr. Leys's book—that the export of grain has ceased and the place where it was grown is now practically empty of inhabitants. The Masai tribe, which is pastoral and, like the Giriama, has stubbornly refused to see the blessings of wage-earning, has been harried in the same way. For, as Mr. Linfield says, "native tribes which are self-sufficing through cattle-owning are anathema to the contact theory of development." The Kitui Akamba have paid £207,749 in direct taxes alone in ten years, and the only government enterprise in the Kitui reserve has been the putting up of buildings for the tax-collecting staff.

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Shortly after the report mentioned above was made public it developed during a debate in the House of Commons that the Government itself had conscripted native labor, in Kenya. The following debate is reprinted from the *Manchester Guardian* of May 19:

Mr. Snell (Labor—Woolwich) asked the Secretary of State for the Colonies if he will state whether he has recently sanctioned, or proposes to sanction, under the Kenya Native Authority (Amendment) Ordinance, 1922, or otherwise, the conscription of 4,000 native laborers for work on the Thika-Nyeri railways; and whether such labor is recruited only or mainly in the reserves, thus penalizing laborers in the reserves as compared with laborers for white settlers.

Mr. Amery (Secretary to the Colonies) replied that, in view of the urgency of completing the railway through to Uganda as soon as possible, approval had been given for a compulsory recruitment of labor for railway construction generally up to a maximum of 4,000 at any one time, but there is no present indication that the full power will be used. This labor is recruited in the reserves. It would not be possible to recruit men who are under contract to perform other work for government or other employers.

Captain Eden (Conservative—Warwick) asked how many native laborers were engaged on railway construction.

Mr. Amery replied that the totals were 1,620 compelled and 11,099 voluntary. Work on the Kenya section of the main extension into Uganda has been held up by the non-completion of another section. No figures of laborers employed on the extension were available, but it was known that none were compelled men.

Commander Kenworthy (Labor—Hull). Have I not heard the right hon. gentleman on public platforms denounce the conscription of labor in Russia?

Mr. Amery. I am not aware I have had the privilege of having the hon. member in my audiences. (Laughter.)

Mr. Smith (Labor—Bermondsey). Are you not doing in our colonies what you are afraid to do in England—namely, conscripting labor?

The question was not answered.

In reply to further questions the following statement was made in the House of Commons by the Under Secretary for the Colonies. It is reprinted from the *Guardian* of May 26.

Mr. Ormsby Gore (Under Secretary for the Colonies) said that the power of calling up labor for government purposes is conferred on native headmen under the Native Authority Ordinance, 1912, as amended in 1922, in accordance with the decision of the then Secretary of State contained in the dispatch published in 1921 as Cmd. 1509. In the selection of laborers efforts are made to choose those able-bodied males who have neither undertaken work for wages outside the reserves nor have shown willingness to produce economic products for export from the land in the reserves.

The period of enlistment is limited by the ordinance to 60 days in any one year, and it appears that for the Uasin-Gishu line the bulk of the labor will only be required for two months in order to hasten the completion of this all-important connection.

The rate of pay for compulsory labor was originally fixed at 14s. a month, with the special railway scale of rations in addition, this rate being 2s. a month less than the current rate for experienced voluntary labor. Since then the labor market has become somewhat easier and the rate for voluntary unskilled labor has fluctuated betwen 16s. and 12s. a month, plus rations. In the ordinance the penalty for disobeying any lawful order given by a headman is on conviction a fine of 150s., or in default of payment two months' imprisonment.

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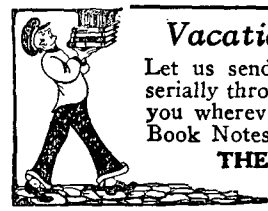

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